

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TEJUOSHO OLUSINA ADEWALE,

Plaintiff,

-V-

OLUBUNMI ADEOLA AKINTOYE *et al.*,

Defendants.

21 Civ. 9485 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

A hearing on Plaintiff's motion for default judgment, *see* Dkts. 37-39, is currently scheduled for August 4, 2022, at 11:00 a.m., *see* Dkt. 32. It is hereby ORDERED that the August 4, 2022 default judgment hearing is adjourned to August 16, 2022, at 2:00 p.m.


Furthermore, the Complaint alleges nine causes of action against Defendants, and Plaintiff advised the Court during the July 6, 2022 conference that he intends to move for default judgment as to all nine counts. In determining a defendant's liability after a notice of default is entered, "a court is required to accept all of the [plaintiff's] factual allegations as true and draw all reasonable inferences in its favor." *Finkel v. Romanowicz*, 577 F.3d 79, 84 (2d Cir. 2009). However, "[b]ecause a party in default does not admit conclusions of law, . . . the Court must determine whether those allegations establish a sound legal basis for liability." *Days Inns Worldwide, Inc. v. Hospitality Corp. of the Carolinas*, No. 13 Civ. 8941 (JPO), 2014 WL 5324327, at *2 (S.D.N.Y. Oct. 20, 2014). Accordingly, in the event Plaintiff continues to seek a finding of liability as to any cause of action aside from his breach of contract claim, it is hereby ORDERED that, by August 1, 2022, Plaintiff shall submit supplemental briefing addressing whether the Complaint plausibly alleges a claim for (1) conversion, (2) conspiracy to commit conversion, (3) aiding and abetting

conversion, (4) unjust enrichment, (5) constructive trust, (6) fraud, (7) violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 *et seq.* (“RICO Act”), and (8) conspiracy to violate the RICO Act. Plaintiff is ordered to serve a copy of the supplemental briefing on Defendants via overnight courier and file proof of service on the docket by August 3, 2022.

It is further ORDERED that Plaintiff serve Defendants via overnight courier with a copy of this Order and file proof of service on the docket by July 25, 2022.

SO ORDERED.

Dated: July 21, 2022
New York, New York



JOHN P. CRONAN
United States District Judge